

IJ:GMC  
F#2008R01176

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FILE UNDER SEAL

-against-

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT  
(18 U.S.C. § 1344 (2))

PETER ADJARA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ERIC TAYLOR, being duly sworn, deposes and says that he is a Special Agent with the United States Secret Service ("Secret Service"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between October 2007 and May 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant PETER ADJARA, did knowingly and intentionally execute and attempt to execute a scheme and artifice to obtain money and funds owned by and under the custody of a financial institution, by means of false and fraudulent pretenses, representations and promises.

(Title 18, United States Code, Sections 1344(2) and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I have been a Special Agent with the Secret Service for approximately two years. Since March 2008, I have been assigned to the credit card squad where I investigate crimes involving bank card, credit card and debit card fraud. During this time, I have investigated numerous fraudulent schemes involving bank fraud, wire fraud and access device fraud. My knowledge of the information set forth in this affidavit is based upon my review of records and reports, conversations with other law enforcement agents and investigators and my own personal participation in the investigation.

2. On January 24, 2008, I received a telephone call from a bank fraud investigator at Bank of America ("BoFA"). That investigator informed me that she was investigating the fraudulent wire transfer of funds into a BoFA account. Based on the information obtained from the investigator, a review of BoFA bank records, and a forgery affidavit completed by the victim ("Victim #1") of the fraudulent transfer, on or about December 7, 2007, an unauthorized individual gained access to the online account information of Victim #1. This individual fraudulently

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

transferred \$200,000 from Victim #1's Home Equity Line of Credit ("HELOC") at Lockheed Federal Credit Union ("LFCU") into a BofA business account in the name of SAPELE CONSTRUCTION, INC.

3. On or about October 12, 2007, a personal account had been opened at BofA in the name of "Jovanni Whyte."<sup>2</sup>

4. On November 20, 2007, SAPELE CONSTRUCTION, INC. filed incorporation papers in New York State. Thereafter, on November 29, 2007, an individual claiming to be "Jovanni Whyte" opened up a BofA business account in the name of SAPELE CONSTRUCTION, INC.

5. On December 7, 2007, an unauthorized individual made an online transfer of \$200,000 from the compromised HELOC of Victim #1 to the newly-created SAPELE CONSTRUCTION, INC. business account.

6. A review of recorded video surveillance footage shows that on or about December 8, 2007, the individual posing as "Jovanni Whyte" withdrew \$9,800 at a BofA branch located at 241-42 South Conduit Avenue, Rosedale, New York from the SAPELE CONSTRUCTION, INC. checking account. The person in the video footage has been identified, through a photo line-up by a BofA employee and other various sources as PETER ADJARA.

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<sup>2</sup> Jovanni Whyte is an actual person who lives in Queens, NY. I interviewed him at his home and he advised me that he did not open up a BofA personal account, or a BofA business account in the name of Sapele Construction.

7. Recorded video surveillance footage also shows that on December 10, 2007, ADJARA attempted to withdraw \$30,000 from the same Rosedale BofA branch from the SAPELE CONSTRUCTION, INC. checking account. Alert bank employees prevented ADJARA from withdrawing the \$30,000. However, ADJARA was able to transfer \$30,000 from the SAPELE CONSTRUCTION, INC. business account into the "Whyte" personal BofA account. Subsequently, ADJARA charged \$6,677.75 to the account using a debit card associated with the personal account before the bank effectuated a hold on the account.

8. According to information obtained from an investigator at WaMu and a review of WaMu bank records, on or about November 5, 2007, a personal account had been opened at WaMu in the name of "Cigale Heny." On November 19, 2007, incorporation papers were filed in New York State for HENY CONSTRUCTION, INC. Thereafter, on December 5, 2007 the individual who had opened a personal account in the name "Cigale Heny," opened a WaMu business account in the name of HENY CONSTRUCTION, INC. This individual used a Louisiana Driver's license in the name of "Cigale Heny" as a form of identification. A check with the Louisiana Department of Motor Vehicles revealed that the Identification Number on that license did not exist, thereby making it an invalid driver's license.

9. On April 1, 2008, I received a telephone call from a bank fraud investigator at Bank of the North, in Georgia ("BotN"). That investigator informed me that the HELOC of another individual ("Victim #2") had been compromised. Based on the information obtained from the investigator, a review of BotN bank records, and a forgery affidavit completed by Victim #2, on or about March 18, 2008, an individual gained unauthorized access to the online account information of Victim #2 and fraudulently transferred \$250,045.46 from the HELOC of Victim #2 into a Washington Mutual Bank ("WaMu") business account in the name of HENY CONSTRUCTION, INC.

10. On or about March 19, 2008, an individual purporting to be "Cigale Heny," made two withdrawals from the HENY CONSTRUCTION, INC., account: the first, a \$7,000 withdrawal at the WaMu branch located at 9059 Sutphin Boulevard, Queens, New York; the second, a \$9,500 withdrawal at the WaMu branch located at 217 Havermeyer Street, Brooklyn, New York. Furthermore, while at the WaMu branch on Sutphin Boulevard on March 19, 2008, ADJARA completed a \$200,000 wire transfer to the Far Eastern National Bank in Taiwan. I was informed by a WaMu investigator that on March 28, 2008, the wire transfer was sent back to WaMu from the Far Eastern National Bank in the amount of \$199,950 (less the \$50 fee for the wire transfer) due to an incorrect account number.

11. The following day, ADJARA went back to the WaMu branches located on Havermeyer Street in Brooklyn, and Sutphin Boulevard in Queens, and withdrew \$7,000 and \$9,500 respectively, from the HENY CONSTRUCTION, INC. business account. I reviewed the video footage from those branches for March 19, 2008 and March 20, 2008 and determined that the person purporting to be "Cigale Heny," was the same person that the BofA employee had identified in the photo line-up as ADJARA and discussed above in paragraph six. I also compared the video footage from this date to the video footage taken of the person claiming to be "Jovanni Whyte" at BofA on both December 8, 2007 and December 10, 2008 discussed above in paragraph six and seven, and determined that they are all ADJARA.

12. I have compared the recorded video surveillance taken on December 8, 2007 and December 10, 2007 of the individual purporting to be "Jovanni Whyte" withdrawing funds from the fraudulent SAPELE CONSTRUCTION, INC. BofA business account, discussed above in paragraph six and seven, and the recorded video surveillance of the individual purporting to be "Cigale Heny" withdrawing funds on four occasions on March 19 and 20, 2008 from the fraudulent HENY CONSTRUCTION, INC., WaMu business account, and arrest photographs of PETER ADJARA provided to me by

the Freehold New Jersey Police Department.<sup>3</sup> I have determined that the BofA and WaMu video surveillance photographs match that of the Freehold, New Jersey arrest photo of PETER ADJARA.

13. On May 30, 2008, a U.S. Postal Inspector working with me received a telephone call from a bank fraud investigator at Citigroup. That investigator informed her that several HELOC's of Citibank customers had been compromised. One customer ("Victim #3") had his HELOC compromised in the amount of \$135,000. Based on the information obtained from the investigator, a review of Citibank bank records, and a forgery affidavit completed by Victim #3, on or before May 8, 2008, an individual gained unauthorized access to the victim's online account information and ordered checks to be delivered to the customer's proper address. Shortly thereafter, an individual called the check or shipping company and had the checks re-routed to a Brooklyn address.

14. According to the investigator, on May 8, 2008, a check written on Victim #3's Citibank HELOC account, and made out to "Cigale Heny" in the amount of \$135,000, was deposited into the personal BofA account of "Cigale Heny." On or about May 21,

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<sup>3</sup> ADJARA, whose date of birth is March 15, 1972, was arrested on June 19, 2003 for the New Jersey crimes of Unlawful Control of an Access Device, Fraudulently obtained Credit Card, Attempted Theft of Identity, Theft of Identity, and Fraudulent Possession of a Driver's License.

2008, an individual falsely claiming to be Victim #3 informed Citibank that he had written three large checks against his HELOC account. On or about May 19, 2008 an individual purporting to be "Cigale Heny" attempted to transfer \$30,000 from the "Cigale Heny" personal account. An alert bank teller recognized the person as the same person who had claimed to be "Jovanni Whyte" at a different BofA branch. The teller asked the individual for identification and he produced an ATM card with the name "Cigale Heny." The teller then asked him for a drivers' license and he told her it was in the car and that he would have to go and retrieve it. The individual did not return to the bank that day and the transaction was not completed. I reviewed surveillance footage recorded on May 19, 2008 at the Lindenwood Village BofA branch, located in Howard Beach, New York, and observed that the person attempting to make that withdrawal was PETER ADJARA, who had made all of the withdrawals from the SAPELE CONSTRUCTION, INC. and HENY CONSTRUCTION, INC. accounts discussed above.

15. On June 19, 2008, I received a telephone call from a bank fraud investigator at WaMu. That investigator informed me that the HELOC of a WaMu customer ("Victim #4") had been compromised. Based on the information obtained from the investigator, a review of WaMu bank records, and a forgery affidavit completed by the victim, I learned that an individual



had gained unauthorized access to Victim #4's online account information and opened two unauthorized online accounts at WaMu in Victim #4's name, one on April 3, 2008 ("April 3, 2008 account") and the other on May 5, 2008.

14. On May 13, 2008, an individual made an unauthorized online advance in the amount of \$155,000 against Victim #4's HELOC to the April 3, 2008 account that was created in Victim #4's name.

15. On May 30, 2008 a check in the amount of \$149,600 was written from the April 3, 2008 account to a company named "Medical One," and deposited into an account at Sovereign Bank that had been opened on May 13, 2008. I reviewed video surveillance footage of the individual who opened the Sovereign bank account, while using Victim #4's name, and determined that it was PETER ADJARA.

16. On June 4, 2008 an individual advanced \$40,000 from Victim #4's HELOC into the April 3, 2008 account and proceeded to withdraw, in several transactions, a total of approximately \$22,300 between June 6, 2008 and June 10, 2008 at various New York financial institutions.

17. On June 23, 2008, a New York State Police Trooper and I visited the last known address of PETER ADJARA at 140-55 Burden Crescent, Jamaica, New York. At approximately 8:00 a.m.,


we observed an individual matching ADJARA's description exiting the building with a young girl. ADJARA and the girl then got into a champagne-colored Toyota Camry, bearing New York State License Plate DTS8974. A check of New York State Department of Motor Vehicle records reveals that this vehicle is registered to Jennifer Iwumune, 140-55 Burden Crescent, Apt. 2E, Jamaica, New York. On July 2, 2008, I verified through Con Edison customer account records that PETER ADJARA has been receiving electric service since November 1, 2005 at 140-55 Burden Crescent, Apt 2E, Jamaica, New York, the address to which the car is registered.

18. On June 23, 2008, I went to 140-55 Burden Crescent, Jamaica, New York, and spoke with the mail carrier for that building. The mail carrier confirmed that PETER ADJARA currently receives mail at that location.

19. On July 8, 2008, I spoke with the property manager for 140-55 Burden Crescent, Jamaica, New York. She confirmed that the individuals on the lease for Apartment 2E were the defendant PETER ADJARA and Jennifer Iwumune, and that they had been renting the apartment since 2005.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for defendant PETER ADJARA, so that he may be dealt with according to law.

Because this is an ongoing investigation, I respectfully requests that this Affidavit be filed under seal.

  
Special Agent Eric Taylor  
United States Secret Service

Sworn to before me this  
6 day of October, 2008,

UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK